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SERVICE DATE – DECEMBER 23, 2004

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-170 (Sub. No. 1X)

**Sunset Railway Company – Abandonment Exemption –
in Kern County, CA**

STB DOCKET NO. AB-398 (Sub. No. 9X)

San Joaquin Valley Railroad Company – Discontinuance Exemption – in Kern County, CA

BACKGROUND

In this proceeding, Sunset Railway Company (SRY), and San Joaquin Valley Railroad Company (SJVR), (collectively, applicants) jointly filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for SRY to abandon and SJVR to discontinue service over 16.3 miles of rail line in Kern County, CA. The rail line proposed for abandonment and discontinuance extends from Milepost 20.0, west of Levee, to Milepost 36.3, at Taft. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, SRY will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to the applicants, there is not a sufficient volume of traffic on the line to justify the costs of maintaining and operating the line. There has been no local or overhead traffic on the line in over two years. Making a capital investment in the line would not be a prudent use of carrier resources. Applicants are unaware of any restriction on the title to the property. Based on information in SRY's possession, the line does not contain federally granted rights-of-way.

SJVR became a rail carrier in 1992 and acquired the right to lease and operate the line in 1997 from SRY, a company then equally owned by Southern Pacific Transportation Company, a predecessor of the Union Pacific Railroad Company and The Atchison, Topeka and Santa Fe Railway Company, a predecessor of the Burlington Northern and Santa Fe Railway Company. SJVR has never delivered any shipments to customers on the line. Upon receipt of discontinuance of service authority, SJVR will terminate its common carrier obligation to operate over the line and the owner of the track and materials, SRY, upon receipt of abandonment authority, will salvage its assets. UP will be responsible for the disposition of the underlying real estate.

The line, which generally has a 100 foot right-of-way width along its entire length, traverses a predominately rural area. The line passes through the Buena Vista Lake Bed and then through San Emidio at an elevation of about 500 feet and across Copus Road. About 3000 feet southwest of San Emidio the line crosses the California Aqueduct. Continuing southwest into Pentland at an elevation of about 650 feet, the line crosses two streets and turns in a northwesterly direction and crosses two more local streets. At this point, the line is in the midst of an oil field. The line then passes through Kerto, still at an elevation of about 650 feet, and crosses another local road. Northwest of Kerto, the line climbs and crosses two roads and Bitterwater Creek and then crosses 10 more local roads before crossing Kern Road southeast of Taft. The line enters Taft at an elevation of about 950 feet and crosses four local streets before leaving Taft and crossing one more local road west of Taft at milepost 36.3.

ENVIRONMENTAL REVIEW

The applicants submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The applicants served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

There are five open deck timber pile trestle bridges and two ballast deck timber pile trestle bridges ranging in length from 15 feet to 105 feet which were built between 1901 and 1960 that are part of the proposed abandonment. The California Office of Historic Preservation, Department of Parks and Recreation (California SHPO) has not yet completed their assessment of the potential impact of this project on historic resources, and we, therefore, recommend a condition to address this concern.

The National Geodetic Survey has advised us that thirteen geodetic station markers have been identified that may be affected by the proposed abandonment.

HISTORIC REVIEW

Applicants submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. Applicants NSR served the report on the Kentucky Heritage Council (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has not yet completed its assessment of the potential impact of this project on historic resources, and we, therefore, recommend a condition to address this concern.

CONDITIONS

We recommend that the following two environmental conditions be placed on any decision granting abandonment authority:

1. Applicants shall retain their interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
2. The National Geodetic Survey (NGS) has identified thirteen geodetic station markers that may be affected by the proposed abandonment. Therefore, applicants shall notify NGS 90 days prior to salvage activities in order to plan their relocation.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-170 (Sub No. 1X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: December 23, 2004.

Comment due date: **January 7, 2005 (15 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

